



State of Utah

Department of Natural Resources

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Executive Director

Division of Oil, Gas & Mining

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Acting Division Director

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Governor

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Lieutenant Governor

March 25, 2005

CERTIFIED RETURN RECEIPT
7099 3400 0016 8896 1362

Mr. Mark Miller
Expectations
10116 South Wasatch Boulevard
Sandy, Utah 84094

Subject: In the Matter of Stop Work Conference, Findings, Conclusions and Order for the Expectations Unpermitted Site, Cessation Order MC-2005-03-03-01, M/035/024, Salt Lake County, Utah

Dear Mr. Miller:

On March 21, 2005, the Division of Oil, Gas and Mining (Division) held a Stop Work Conference at the Expectations un-permitted site, M035/023 in Salt Lake County, Utah. The following individuals attended: Presiding: Mark Mesch, Acting Associate Director, Mining; Steve Alder, Attorney General's Office; Daron Haddock, Permit Supervisor, Doug Jensen, and Paul Baker, Senior Reclamation Specialists with DOGM; Operator Mark Miller, Andy Miller and Chris Miller.

The Findings & Conclusions and Order in this matter are based on information provided by the Division and Mr. Miller et. al. in connection with this Stop Work Conference, and on information in the files of the Division.

FINDINGS & CONCLUSIONS

1. Cessation Order MC-2005-03-03-01 was issued 3/15/05 for 'Mining without a permit' and required all mining to cease.
2. In a phone call received March 15, 2005, Mr. Miller requested an on-site "inspection" (Stop work conference).
3. A Stop Work Conference was scheduled and held March 21, 2005 at 1:30 p.m., in accord with R647-6-102.4.
4. Paul Baker described coming to the site on Tuesday March 15, 2005 with Bryce Tripp, Geologist with Utah Geological Survey to determine if the material being removed was sand, gravel, rock aggregate or bedrock.

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5. It was determined that the removed material was bedrock and, therefore, considered mining.
6. Mr. Miller identified a graded area to the north and stated they were trying to do the same thing at this site. That is, prepare the ground for agricultural planting.
7. Mr. Miller stated that Sheryl Butterfield was the property owner and that they had rights of entry.
8. Mr. Miller was not sure if the rocks being removed were being sold or just covering trackhoe machine time.
9. Mr. Miller stated that all rock is being removed, that no particular diameter was being selected.
10. Mr. Miller said he would comply with any requirements of a mining permit.
11. It is concluded that rock and mineral material has been excavated from the site using mechanized equipment and some rock has been hauled from the site.
12. Based on the conditions observed on-site, it was concluded that mining had in fact occurred without the necessary permit.
13. Mr. Haddock outlined the Mineral Regulatory Programs permitting process for small and large mines.
14. Mr. Miller stated he was not responsible for the entire disturbance and could delineate areas of his responsibility.
15. According to the regulations, mining could be allowed on a five-acre site once a small mine permit was submitted and approved along with an appropriate reclamation bond.
16. It is concluded by the Conference Officer that the Cessation Order is affirmed.

ORDER

1. Cessation Order MC-2005-03-02-01, issued 3/15/2005, is hereby affirmed.

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2. The Cessation Order is modified to allow a Small Mine Operation (SMO) Notice of Intent (NOI) to be submitted and a five-acre area delineated where the operator can continue operations once the permit is approved and the appropriate reclamation bond is in place.
3. No materials may be removed from the site until the SMO permit has been approved and a bond is in place.
4. Any area disturbed by the operator that lies outside of the five-acre area the operator delineates for a small mine operation would need to be included in an application for a large mine permit or those areas of disturbance would need to be reclaimed within 90 days of the issuance of these findings.
5. If the operator fails to comply with the permitting requirements, he will be ordered to begin complete reclamation of the entire disturbance.

If you wish to appeal this Order, you may do so by contacting the Division within 30 days of receipt. Please contact Penny Berry at 801-538-5257. If you have any questions regarding this letter, please contact Daron Haddock at 538-5325.

Sincerely,



Mark Mesch
Acting Associate Director

MM:jb

cc: Daron Haddock, DOGM
Paul Baker, DOGM

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